COMMUNIQUÉ

Back to Home Page
Looking for an earlier issue?

April, 2006

In this issue:

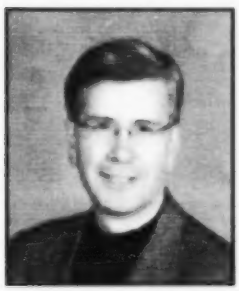
Regular Columns
President's Report | Benchers' Meeting Highlights | Report of the Equity Ombudsperson | Allan's Odds and Ends

Special Features
Maternity and Parental Benefits for Self-Employed Workers | Tips on Easing the Audit Process | I Love CanLII | Bencher and Regular Committee Meeting Attendance

Notices to Members
Outstanding Interest on Client Accounts | Notice of Benchers' Meeting | Membership Changes | In Memoriam | Insurance Claims Over $1 Million | Speak Now or Forever Hold Your Peace

President's Report

Garth H. Smorang, Q.C.
President



It seems like just a month or so ago that I wrote my first President's Report. Now I write my last report, and by the time this Communiqué is published I will be Past President.

I have served as an elected Bencher for 8 years, since May 1998. At that time Allan Fineblit had only been CEO for a few months and the recently approved Carver model of governance had been implemented. The first Benchers meeting I attended was also the first meeting of the reduced Bench, from 45 to 23 Benchers.

The process of considering, debating, and ultimately approving the new Carver model had been long and arduous. It was a major change in the way the Society ran, and implementing the new governance structure was not only a challenge to the Benchers but to Allan Fineblit and the staff at the Law Society.

Some members argued that: the reduced size of the Bench would be problematic; large firms would dominate; there would be less opportunity for opinions to be voiced from a broad spectrum of our membership; the new governance model would give too much power to the staff and take it away from the elected Bencher representatives.

Eight years later, irrespective of personal views on what is a proper system of governance, no one can credibly argue that the Carver model is not working. The Law Society is in excellent shape financially, structurally and from a day-to-day perspective.

My experience at Bencher Meetings is that we get good information from Allan, Marilyn and the staff. We frequently receive monitoring reports on all aspects of the Society's business and we are well able to debate and make policy decisions concerning the Society's "ends", leaving the "means" to those ends up to our professional staff.

As to the Bench itself, I can safely say that the current Bench is comprised of some of the most dedicated, interested and professional people I have ever had the pleasure to work with. We are a diverse Bench. Of the 16 elected Benchers, 31% are women. One-third of the Benchers work in the public sector. Of the 7 private bar Benchers from Winnipeg, 3 are from large firms, 2 are from medium firms and 2 are from small firms. By the time the Communiqué issues there will have been a Bencher Election but I suspect and hope that this broad based representation will continue into the next 2-year term.

We are in good shape. That is not to say that there are no challenges ahead. Self-governance requires rules and we are in the process of amending and updating our Rules. Rules require compliance and we continue to deal with complaints, discipline and, unfortunately, reimbursement issues.

Our mandate requires us to license only "competent" members. There has been considerable work done by our staff in Legal Studies in the development of the CPLED course, and in continuing and ongoing legal education. Libraries and the role of the Law Society in providing our members with legal information, whether in hard copy or electronically, will continue to be an issue into the future.

As I indicated in my first President's Report, I believe that the work done by the Law Society staff, Benchers and volunteers is important and necessary work. I strongly encourage members to become involved on committees or by running for election as a Bencher. Our effectiveness in governing ourselves will, in turn, govern whether or not we will continue to do so in perpetuity.

I am thankful to many people who made my year as President enjoyable and manageable. Those people include Allan Fineblit, Marilyn Billinkoff, Pat Bourbonnais and all of the excellent staff at the Law Society. I have very much enjoyed working with Donna Miller as my Vice President and I know she will serve the Society well as President next year. This past year has involved significant scheduling issues, deadlines and extensive travel for me. My Legal Assistant, Melinda Salfert, has played a large role in helping me through those issues and holding the fort at the office while I have been attending to Law Society business. I thank them all.

Top of Page

Benchers' Meeting Highlights
A Good Bunch

Allan Fineblit, Q.C.
Chief Executive Officer

The Benchers of the Law Society of Manitoba came together on March 23, 2006 for the very last time. There will be an election before the Benchers have to meet again and with at least one new Life Bencher, one retirement, and the unpredictable nature of the electorate (that's you), the unique dynamic of this particular Bench is at an end.

The March 23rd meeting was actually a great reflection of the personality of the group. First of all, they are good attenders. Check out the impressive statistics elsewhere in this issue. They read their material, they are thoughtful, prudent, creative and they are very funny. All in all, a pretty good bunch.

President Garth Smorang attended by phone (sipping tequila by a pool in Mexico) and so Vice President Donna Miller chaired the meeting. Benchers considered a report on the Law Society's pandemic response plan. They concluded that some basic preparedness was a good idea. They also concluded that given the limited ability to plan around so many unknown contingencies, the basics were enough for now.

Garth had requested a report on what the appropriate reserves should be in the General Fund (the fund that pays for the administrative operation of the Law Society) and the Legal Studies Fund. Currently, the Benchers' financial management policies require that we maintain a minimum reserve in each of those funds of one-third of the annual operating budget for the fund. Garth wondered if we needed to maintain that level of reserves given that we are a "taxing authority", i.e. if we unexpectedly run short of money we can always raise it by levying our members (that's you again).

Some Benchers felt that adequate reserves enable us to moderate the fees and eliminate large fluctuations. Garth asked them to consider if our members

would rather have the money in their own pockets knowing that if at some point an unbudgeted financial crisis hits, they may get an unexpected bill from the Law Society.

Our auditors were consulted and were of the view that our current policies reflected standard business practices but also, because of our ability to levy our members, they indicated that smaller minimum reserve policies would not be particularly troubling to them.

In the end the consensus was that the current reserve policy had served us well and did not require a change.

Every year Benchers appoint a Nominating Committee charged with coming up with recommendations for candidates for the position of President (so far that has always been the Vice President), at least two Vice Presidential candidates, committee chairs and committee members. The Benchers appointed a Nominating Committee of Past President **Bill Johnston** (Chair), current President **Garth Smorang**, current Vice President **Donna Miller**, **Jennifer Cooper**, **Grant Mitchell**, **Todd Rambow** and **Kathy Bueti**.

Benchers reviewed a monitoring report on libraries. Almost exactly three years prior, when the Province stopped funding courthouse libraries, Benchers made some hard decisions. They decided, for example, that courthouse libraries would normally be open to members and not the general public, although the general public could get a library pass if they had a specific need. They decided collections would, as much as possible, focus on electronic materials and away from paper.

The monitoring report raised a number of policy questions. Should the Law Society purchase a commercial legal research product for every lawyer practising outside of a centre with a courthouse library? Some Benchers noted that those lawyers pay fees that contribute to the cost of courthouse libraries but have limited access to them. Others noted that we already provide a desktop service (CanLII) to all members. Some members felt it was enough to provide a basic service and those that wanted more should pay for it themselves.

Some Benchers noted the low utilization rate for the electronic services already available in the courthouse libraries and wondered if the money now spent on regional libraries would be better spent on a desktop service for all members outside of Winnipeg. Some Benchers asked if it made sense to provide a desktop commercial service to lawyers who have themselves decided it isn't something they want to pay for.

One Bencher suggested that instead of buying service for everyone, the Law Society should try to negotiate a reduced rate with one of the commercial publishers for anyone who wanted to buy their service. One Bencher suggested that we should look carefully at the Great Library and the same principles could apply to it. Another suggested that closing libraries was better considered in the context of the renewal of the licensing agreements on

the library spaces in 2009.

It was agreed that having an electronic service available online was more desirable than at a library and if the cost was prohibitive, it might be preferable to close down the libraries in some areas and provide everyone with a commercial desktop product. It was agreed that a detailed analysis on the options should be prepared for further consideration.

The Benchers received reports on payments to date out of the Reimbursement Fund and on the operation of the Lawyer Referral Service and Law Phone-In Service from Jeff Hirsch, the Law Society representative to that Board.

Top of Page

Report of the Equity Ombudsperson
The 2005 Annual Report

Brenlee Carrington Trepel
Equity Ombudsperson

The Equity Ombudsperson began as a pilot project of the Law Society of Manitoba in November of 2001. It became a permanent program in 2003. This is my fourth annual report to the Law Society about my activities, which have steadily increased since the program's beginnings.

In my role as Equity Ombudsperson I provide confidential and neutral advice to lawyers, support staff working for legal employers, articling students and clients who have concerns about any kind of discrimination or harassment. My goal is to resolve problems. In doing so, I maintain a neutral position and do not provide legal advice. I discuss with complainants the options available to them, which include filing formal complaints with the Law Society or the Human Rights Commission, commencing civil actions, or having me informally resolve or mediate their dispute. I am also available to consult with and assist any private or public law office wanting to raise staff awareness about the importance of a respectful workplace environment.

Last spring I met with Equity Advisors and Ombudspeople from other provinces at a conference in Vancouver and assisted in organizing a separate meeting of the Ombudspeople. I currently serve on the Advisory Group of the CBA's Standing Committee on Equity for developing an Equity and Diversity Template for law offices and attend meetings of the Law Society's Equity Committee as requested. I also serve as a member of the Canadian Advisory Group of the International Ombudsman Association, which is an organization that has more than 500 ombuds members from around the

world.

This year there was a dramatic increase in the number of women contacting me for assistance and also an increase in contacts from outside the City of Winnipeg. This increase was evident in all areas of concern. Contact from other provinces has also increased, indicating the development of a strong equality rights network within the legal profession and a high level of interest in the Law Society of Manitoba's program. The following is a breakdown of the numbers of contacts received by me this past year and the issues addressed.

The Equity Ombudsperson program continues to receive a positive response from lawyers and the public and I will continue my education and outreach initiatives in the upcoming year, in addition to handling individual concerns and complaints.

Thanks are extended to Allan Fineblit and to the Law Society of Manitoba for their support of this service, Marilyn Billinkoff for all of her assistance and wise counsel, and to the Equity Committee for its hard work.

Profile of Contacts

	2003	2004	2005
Winnipeg	188	270	330
Outside Winnipeg	76	108	209
Total Contacts	264	378	518
Note: Some contacts resulted in more than one issue			
Lawyers		171	255
Partners		61	89
Clients		111	94
Students		8	9
Support Staff		27	105
Male	127	134	151
Female	137	244	393
Issues Addressed			
General Information	139	204	201
Offiey Policy Concerns	67	70	128
Discuss specific issue or concern			
Discrimination	158	242	220
Harrasment			
a) Sexual Harrassmnet	57	95	126
b) Workplace Harrassment	25	82	102

Leave Policy	44	139	58
Other Policies	56	74	101

Top of Page

Allan's Odds and Ends

Allan Fineblit, Q.C.
Chief Executive Officer

1. Don't nominate Paul! In the papers inviting nominations for Bencher election candidates, we provided a list of Life Benchers (who are not eligible to run for election). I left my pal, **Paul Jensen**, off the list of Life Benchers. If nominated, Paul will not run and if elected, he will not serve.

2. Congrats to **Mel Meyers** who is the 2006 co-winner of the University of Toronto Bora Laskin Award recognizing outstanding contributions to Canadian labour law.

3. Speaking of labour lawyers, **Grant Mitchell** sent me a copy of his annual email detailing his adventures on the polar run across Lake Winnipeg. When I say detailing, I mean every detail. The short version is -10°, deep snow, numb feet, finished second. Let me know if you want to read the novel.

4. Speaking of short versions, have you signed up for eLaw? You'll get an email from us about once a month telling you about all the latest developments in your field(s) of practice with links to more detailed versions. The five fields of law we are now offering are: property and succession, business law, family law, litigation, and criminal law. You can sign up for any, some, or all of them by contacting **Karen Dyck** (kdyck@lawsociety.mb.ca), or visiting the subscription page on this website.

Top of Page

Maternity and Parental Benefits for Self-Employed Workers

Marilyn Billinkoff
Deputy Chief Executive Officer

Last year, the Barreau du Quebec became the first professional body in North

America to offer a parental assistance plan (APTA) for self-employed members. There are approximately 21,000 lawyers in Quebec, of which approximately 5,000 are self-employed.

The APTA Plan was implemented to help lawyers who wished to have a family. On the birth or adoption of a child, the Barreau gives a member an amount equivalent to the operating expenses incurred while the member's professional activities are temporarily suspended, to a maximum of $1,500/month. There are three types of benefits:

- maternity (up to 3 months benefits);
- parental (up to 1 month benefit);
- adoption (up to 1 month benefit).

Only members not covered by any other public or private parental plans are entitled to receive payment under APTA. Other plans include employment insurance or other similar government plan and parental benefits offered by an employer. APTA is funded by a special mandatory contribution on all members.

The Federal Government is also looking at maternity and parental benefits for self-employed workers. An interim report of the Standing Committee on the Status of Women tabled in November, 2005, recommended that the Government develop a framework for extending maternity and parental benefits to self-employed workers under the Employment Insurance Program and examine other program models which could provide maternity and parental benefits to self-employed workers. Representatives of the Nova Scotia Barristers' Society appeared as witnesses before the Standing Committee and spoke in favour of extending employment insurance benefits to the self-employed. The Canadian Bar Association has also supported this concept. In a letter to the Federal Finance Committee pre-budget consultations last fall, the CBA called for self-employed workers to be put on equal footing with their employed counterparts when it comes to maternity and parental benefits.

The Law Society's Equity Committee is currently reviewing the Barreau's Parental Assistance Plan and considering whether this or some other model of parental assistance is appropriate or viable in this province. The Committee would like to know what you think about this issue and if a program of this type would be of interest to you. Call, write or send me an email letting me know your views. I will then pass on your comments (on a no names basis) to the Equity Committee. I look forward to hearing from you and can be contacted at mbillinkoff@lawsociety.mb.ca or by phone at 926-2010.

Top of Page

A Word from the Audit Department

Tips on Easing the Audit Process

(Part 2 of 2)

Sherri Jack
Director of Audit

Part 1 of this article, included in the January, 2006 Communique, discussed a number of ways to help you meet your recordkeeping responsibilities and in the process ease the spot audit. The article outlined the importance of maintaining current and accurate records, not only to meet the Law Society requirements, but to help you run an efficient and effective law firm. To ensure members are complying with the requirements and handling client trust funds appropriately, the Law Society's Audit Department conducts routine audits of all members. While Part 1 of this article provided ways to help you with your ongoing record- keeping obligations, Part 2 will focus on tips to help you through the audit.

View the audit as a "check-up"

As a lawyer with a busy practice, the surprise arrival of an auditor may seem like an unwelcome interruption to your day. However, while the ultimate goal of the audit is public protection, there are also side benefits to be gained by your law firm. You should view the audit as a "check-up" that supplements your own assessment of systems and procedures. By providing an on-site evaluation of your practices, minor deficiencies can be corrected before they become more serious problems. While the goal of the audit is to ensure compliance with the Law Society Rules, the Auditors often provide helpful suggestions to improve your firm's internal controls. You should view the auditors as a source of information and feel free to ask them questions while they are at your office.

When it comes time for the audit:

- Know where your records are! This includes knowing where the day to day accounting records are kept and where all other accounting records are stored. If your bookkeeper doesn't work everyday, you should know where all your records are maintained so you can carry on business in your bookkeeper's absence. Also, since the Law Society audits are unannounced you should be able to provide your records when an auditor visits.

- It is also important to know how to access the information on your computer. This is not only important for audit purposes, but it will allow you to function if your staff is away.

- The audit provides the opportunity to discuss questions or concerns. Make sure you discuss any significant problems or concerns with the Auditor at the beginning of the audit.
    - These are the primary items the auditor will want you to provide during the audit:
    - Monthly trust reconciliations, including bank reconciliations, and

client trust listings for pooled and specific trust investment accounts;
- Bank statements and cleared cheques for both trust and general bank accounts;
- Up to date books of original entry for both trust and general accounts;
- All open client trust ledgers;
- Selected client files;
- Accounts receivable listing

- Keep in mind that the audit will not really consume much of your time. Once the auditor has been provided with all the required records, he or she will work independently and there will be little need to interrupt your day, with the exception of an occasional query or request for further information. However, if the auditor does have a question, a prompt response is appreciated and may help the Auditor to complete the audit in a timelier manner.

Keep your records and documents organized

An efficient recordkeeping system requires a good filing system and organization of documents (such as receipts, invoices, deposit slips, cleared cheques). This can save you and your staff considerable time on a daily basis and contribute to a more streamlined audit. Here are some tips to stay organized:

- The book of original entry, bank statements, cleared cheques, and reconciliations should be filed by month.

- Consider using checklists. For example, some firms find that a month end check list for the reconciliation will help to ensure all reconciling procedures are completed, and all necessary reports are printed or prepared. This will save you having to go back and print these reports when the auditor comes to visit. Remember certain reports must be printed each month.

- File closing checklists can be helpful too.

- Client files should include proper documentation for all monies received and disbursed (ex. invoices for disbursements, statements of account, etc.)

- Consider office policies to prevent misplaced or misfiled records. For example, some offices will not allow the original ledger card to leave the accounting office (a copy can be made for purposes of completing a reporting letter.)

Don't forget about your general records

Don't forget to keep your general records in order. Keeping track of your own

money is important too, and now a Law Society requirement.

After the audit, don't forget to respond to the auditor's correspondence

Most audits conclude with a letter from the auditor outlining any changes that will be required to bring your records into compliance with the rules. The letter might also include suggestions/recommendations relating to your accounting procedures.

The auditor will request a response to his or her letter within a certain time frame, and ample time is typically provided. It is important to review the items noted by the auditor and provide a complete response by the deadline requested. The onus is on the member to contact the auditor should the member have difficulty meeting the deadline. Repeated requests for extensions will lengthen the time it takes the Society to complete the audit and a member who fails to provide a response without a reasonable excuse may be referred to the Discipline Department.

As a final comment, as a member of the Law Society, you should feel free to contact an auditor if you have a question, concern or are unclear about a rule. By clarifying requirements you may avoid problems in the future which will help you to run a more efficient and effective law practice.

Top of Page

I Love CanLII

Tana Christianson
Director of Insurance

I Love CanLII. The Canadian Legal Information Institute website (www.canlii.org) is at the top of my Favourites list for Internet sites. CanLII - which is funded by the Federation of Law Societies of Canada - is a wonderful, no-charge, online source for Canadian legislation and case law and an ever-expanding universe of legal databases.

CanLII is a great resource for checking on statutes and regulations in any Canadian province (except British Columbia); legislation is easily searchable, printable and current. CanLII's case law collection for each province and territory continues to expand. Manitoba Court of Appeal decisions going back to September, 1998 are instantly available, while the Court of Queen's Bench cases go back to May, 2001.

I find myself using CanLII more and more frequently. For instance, if I read a newspaper or periodical reference to a recent court or tribunal decision, a quick trip to CanLII provides me with free and immediate access to the case. It is also great for searching statutes and regulations. Using the **Find** tool

from the toolbar or hitting **Control "f"** allows the computer to search the legislation for your keyword, far easier than flipping through a binder of statutes.

More than anything else, I find that I check the CanLII Manitoba Court of Appeal and Queen's Bench pages once or twice a week to keep on top of recent Manitoba decisions. At CanLII's homepage (www.canlii.org), go to Manitoba. Select the court you are interested in. Click on that court. On the Courts page, check and see when it was most recently updated. Then, click on the latest year, and the latest month in that year. This way, you can pop open the most recent decisions from the Manitoba courts and scan through them while you are on-hold or eating your lunch. And because CanLII is a free service, you can access it, without an account, from any computer. I bet you'll love CanLII too.

Top of Page

Bencher and Regular Committee Meeting Attendance

Click here to view the attendance report

Top of Page

Outstanding Interest on Client Accounts

Pursuant to *Rule 5-57* of the Rules of the Law Society of Manitoba, a lawyer is entitled to charge interest on unpaid fees, charges or disbursements where the lawyer and client have so agreed. Such interest is calculated from a date that is at least one month after the date the bill is delivered to the client.

The rate of interest that may be charged shall not exceed the rate established under Section 161 of the *Income Tax Act* (Canada) on the date the bill is delivered. The interest rate effective for the period April 1, 2006 to June 30, 2006 is 8%.

Top of Page

Notice of Benchers' Meeting

The next meeting of the Benchers of The Law Society of Manitoba will be held on

Thursday, May 18, 2006 at 12:30 p.m. in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba. Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

Top of Page

Membership Changes

The following members have voluntarily changed their status as indicated on the dates shown:

Practising to Non-Practising:
March 1, 2006 Allegra C. Frank
April 1, 2006 Peter M. Kremer
April 1, 2006 Perry M.D. Derksen
April 1, 2006 Karine M. Pelletier
April 1, 2006 Kurtis L. Bond
Aprl 1, 2006 Daron O. Dolynchuk
April 1, 2006 Harold J. Arkin
April 1, 2006 Harry C. Peters
April 1, 2006 Robert H. Hook
April 1, 2006 Leonard P. Offrowich
April 1, 2006 Maria V. DeJaeger
April 1, 2006 Tomas W. Percy
April 1, 2006 Janinne M. LeMere
April 1, 2006 Donald I. Cochrane

Practising to Inactive:
Feb. 24, 2006 Howard C.G. Pitts
March 1, 2006 Neil W. Sullivan
March 9, 2006 Thomas G. Hague
March 13, 2006 Erin M. Harley
April 1, 2006 Dale A. Tesarowski
April 1, 2006 Gary D. Brawn
April 1, 2006 Bruce E. Cristall
April 1, 2006 Grant J. Einarson
April 1, 2006 W. Donald Macpherson
April 1, 2006 Helen Krahn
April 1, 2006 Denis A. Dale
April 1, 2006 Charles T. Birt

Inactive to Practising:
Feb. 15, 2006 Stephen R. Nelson
March 8, 2006 Gordon C. Steeves
March 8, 2006 Lisa D. Chartrand

Non-Practising to Practising:

Jan. 30, 2006 Grainne M. Grande
April 1,2006 Eugene N. Hretzay
April 1, 2006 Jason T. Stefanson

Transfer from Another Province:
Mala A. Leeluck of the Law Society of Upper Canada was called to the Bar of Manitoba on March 30, 2006 and is now entitled to practise law in this jurisdiction, having fulfilled the requirements of *Rule 5-14*.

Top of Page

In Memoriam

Richard Griffith Long, who passed away on or about July 16, 2005 at the age of 63. Mr. Long received his call to the Bar on September 22, 1969. He practised law in Winnipeg for three years before leaving practice.

Myer Galpern, who passed away on November 9, 2005 at the age of 100. Mr. Galpern received his call to the Bar on October 1, 1932. He practised law in Winnipeg for one year before leaving practice.

Harry James Lawrie Ludlow, who passed away on January 21, 2006 at the age of 83. Mr. Ludlow received his call to the Bar on March 8, 1949. He practised law in Winnipeg and Gimli as a sole practitioner for 45 years before retiring in 1994.

Ronald John Gillies, who passed away on January 25, 2006 at the age of 80. Mr. Gillies received his call to the Bar on May 29, 1953. Upon receiving his call, Mr. Gillies joined the firm McArthur, McArthur where he practised law for 16 years.

Harry Kohm, who passed away on February 8, 2006 at the age of 86. Mr. Kohm received his call to the Bar on May 31, 1952. He practised law in Winnipeg for 42 years before retiring in 1995.

Mark Monroe Schulman, Q.C., who passed away on February 23, 2006 at the age of 68. Mr. Schulman received his call to the Bar on May 27, 1963. Mr. Schulman practised law in Winnipeg, both as a sole practitioner and partner in the firm Schulman & Schulman for 42 years. He was appointed Queen's Counsel in 1985.

Gordon Craigie Parks, Q.C., who passed away on February 28, 2006 at the age of 80. Mr. Parks received his call to the Bar on November 28, 1952. Following his call, Mr. Parks joined the Office of the Judge Advocate General and later joined the Department of External Affairs. He retired from practice in 1990.

Top of Page

Insurance Claims Over $1 Million

Lawyers in Manitoba have mandatory insurance coverage of $1 million. However, claims can and do exceed $1 Million. Lawyers and law firms without excess insurance have to satisfy any claims over $1 Million out of their own pockets. Also, the $1 Million mandatory coverage includes damages and defence costs, so legal fees spent on behalf of the Insured lawyer erode those limits.

It is no longer an unusual event to see a Statement of Claim against a lawyer claim well in excess of $1 Million. In other Canadian jurisdictions, it has become routine to pay out claims of this magnitude. Therefore, we encourage every firm to think about to what extent the firm members want to be personally exposed.

Excess coverage can be purchased through the Canadian Lawyers Insurance Association (CLIA) in amounts from $1 to $9 Million in excess of the $1 Million mandatory insurance. CLIA's rate structure and applications are available from the Professional Liability Claims Fund Department of the Law Society of Manitoba. Other excess insurance can also be purchased through local brokers.

If you have any questions about excess insurance, please contact Bonnie Harvey or Tana Christianson of the Professional Liability Claims Fund.

Tana Christianson 926-2011
Bonnie Harvey 926-2026

Top of Page

Speak Now or Forever Hold Your Peace

If you know of any circumstances which might possibly, at some point in the future, give rise to an insurance claim against you and you want coverage under your Insurance Policy, then you must report those circumstances to the Law Society's Professional Liability Claims Fund staff before the end of June.

The current Lawyers Professional Liability Insurance Policy runs from July 1, 2005 to July 1, 2006, as does the CLIA Excess Policy of Insurance and many other excess policies. Lawyers' liability insurance policies are written on a claims-made basis. Section 4.2 of our Policy provides coverage for claims made during the policy period, provided that the Insured had no knowledge of

the claim or potential claim before the policy period commenced and could not reasonably have foreseen that a claim might arise. Therefore, if you have knowledge of a problem or are concerned about a file now, you should be putting the Professional Liability Claims Fund staff on notice before this policy year runs out on July 1, 2006. Claims Fund staff can be reached at:

Tana Christianson 926-2011
Kate Craton 926-2012
Louise Ritchie 926-2021
Bonnie Harvey 926-2026

Top of Page

Previous Communiqués

January, 2006
September, 2005
May, 2005
February, 2005

November, 2004
July, 2004
May, 2004
April, 2004
January, 2004

September, 2003
May, 2003
January, 2003

September, 2002
May, 2002
February, 2002

November 2001
July 2001

December 2000
September 2000
May 2000
January 2000

October 1999
May 1999
January 1999

September 1998
May 1998